

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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IN REPLY REFER TO:
1400-735 (NV-953) P
January 4, 2002

EMS TRANSMISSION **01/04/02**
Information Bulletin No. NV-2002-024

To: BLM Employees, Nevada

From: Deputy State Director, Support Services

Subject: Employees Serving as an Officer in an Outside Organization

This is a reminder that participation, by employees, in non-Federal professional organizations can promote individual growth and development as well as enhance the ability of Bureau of Land Management (BLM) to accomplish its mission. The BLM continues to encourage employees to become involved in professional associations and **may** authorize official Government time to perform the duties associated with such affiliation if the involvement does not result in a direct conflict of interest or create the appearance of a conflict of interest. When employees use official time to participate in private sector organizations, especially to serve as officers, **BLM programs and operations must be the primary beneficiary of the employees' participation, not the individual employee or the outside organization.**

Decisions issued by the Office of Government Ethics (OGE) and the Department of Justice (DOJ) indicate that a Federal employee can violate 18 U.S.C. 208 by participating in an official matter that affects the financial interest of an outside organization in which the individual serves as an officer, director, or trustee. This violation can occur even when the individual serves in an **official** capacity. The statutory provision 18 U.S.C. 208, generally prohibits an employee from personally and substantially participating in his/her official capacity in any particular matters in which he/she has a direct or indirect financial interest.

For clarity, the term officer includes positions such as president, vice-president, secretary, treasurer, trustee, board of director, ex-officio officers or directors **and** any other position which carries with it a fiduciary duty to the organization. This is consistent with the policy established by the Department of the Interior Ethics Office and it applies to all employees.

Employees may serve in professional organizations under three different circumstances:

- A. The employee participates in the outside organization in his or her private capacity and not on Government time.

- B. The employee participates in the outside organization in his or her private capacity; however, the supervisor allows official time for the employee to attend an outside function of the association, such as a meeting or convention, when the supervisor determines that it is in the best interest of the Government.
- C. The BLM requires that the employee participate in the outside organization in his or her official capacity, as a representative of the BLM.

All employees who are required or who wish to serve as an officer in a private sector organization while on official Government duty must:

- A. Have a written Memorandum of Understanding (MOU) between the Bureau of Land Management and the organization in which the employee is required or desires to serve as an officer.
- B. Have a waiver of the conflict of interest prohibition at 18 U.S.C. 208(b) signed by the Deputy Ethics Counselor.
- C. Secure training from the appropriate ethics counselor.

The preparation of the MOU and waiver is completed in coordination with the Local Assistant Ethics Counselor. Once the MOU is completed and signed at the local level it is forwarded to the Assistant Ethics Counselor at the National Human Resource Management Center, HR-220, Denver, Colorado, for a final review.

If you need an MOU to ensure that you are complying with current ethics requirements, or have questions, please contact Ms. Debbie Jenkins, Employee Relations Specialist, Nevada State Office at 775-861-6425.

Signed by:
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Jeanne Jenkins
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